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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,072	06/15/2001	Keith Johnson	915-388	1731
4955	7590	06/30/2005	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			AL AUBAIDI, RASHA S	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,072

Applicant(s)

JOHNSON, KEITH

Examiner

Rasha S. AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on March 11, 2005 has been entered. No claims have been amended. No claims have been canceled. No claims have been added. Claims 1-19 are still pending in this application, with claim 1 being independent.

Claim Rejections - 35 USC § 102

2. Claims 1-6, 8, 11-14 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Slipy et al (US PAT # 5,955,700).

Regarding claim 1, Slipy teaches a housing assembly (302 as shown in Fig. 3) for an electronic apparatus (reads on portable electronic device 100) including first (see col. 1, line 63) and second housing portions (see col. 1, line 65) for connection to each other and a release member (reads on the latching mechanism 106, see Fig. 1, col. Lines 58-65) positionable in a recess (reads on the semicircular notches 144, 150, and 152 that are formed in shell 108, see Fig. 1 and col. 2, lines 33-41) in the first housing portion (see col. 1, lines 60-61, also Fig. 1), said release member including a cam (reads on cam 206, see col. 2, line 56) that protrudes from the recess on rotation of the release member to engage the second housing portion and separate the second housing portion from the first housing portion (see col. 4, lines 65-67 and col. 2, lines 1-7).

Claims 4, 6-7 and 19 are rejected for the same reasons as discussed above with respect to claim 1.

Regarding claim 2, Slipy teaches the cam (206) is configured so that progressively more of it protrudes from the recess as the release member is rotated (see Fig. 2).

Regarding claim 3, Slipy teaches the release member (latching mechanism 106) includes an attachment (this may read on catch 208 in Fig. 2) for releaseably mounting it to the first housing portion (see col. 2, lines 61-67).

Regarding claim 5, Slipy teaches the attachment comprises a lug on the release member (see Fig. 2 and 3), the aperture in the first housing portion being shaped to receive the lug, the lug engaging the first housing portion to mount the release member thereto on rotation of the release member after insertion of the lug through the opening (the lug reads on 118 in Fig. 3 that is mounted on the first housing, which is the battery door cover and positioned towards opening 164, see col. 4, lines 20-51).

Claim 8 recites "a resilient compressible washer is located in the recess against the base". This is inherent.

Regarding claim 11, Slipy teaches the cam (206) is a flange on the release member (latching mechanism 106, see col. 2, lines 45-67) having an angled cam surface for engagement with the second housing portion on rotation of the release member (see Fig. 2).

Regarding claim 12, Slipy teaches the cam surface (216) is annular and the release member includes a cylindrical portion (reads on cylinder rod 204, see col. 2, lines 54-67) extending from the flange.

Claim 13 recites "an aperture is formed in the cover, the diameter of the aperture being substantially equal to the diameter of the cylindrical portion so that the cylindrical portion is received in the aperture when the second housing portion is placed over the first housing portion and the cam surface". It is inherent to have the diameter of the aperture being substantially equal to the diameter of the cylindrical portion in order to perform the rotation of the latching mechanism 106.

Regarding claim 14, Slipy teaches a boss protrudes from the cylindrical portion of the release member (this may read on cylinder head 202, see col. 2, lines 54-57 and col. 5, lines 17-28).

Regarding claim 16, Slipy teaches comprising a mobile telephone

communications apparatus (see Fig. 1 and 3).

Regarding claim 17, Slipy teaches the first housing (302) portion is a rear case of a mobile telephone housing (see Fig. 1 and Fig. 3) and the second housing portion is a cover attached to a portion of the rear case of the mobile telephone housing (this read on battery door cover 102), the telephone also including a front case attached to the rear case (see col. 4, lines 9-31).

Regarding claim 18, Slipy teaches the release member (the latching mechanism 106) is disposed in a recess in the rear case of the mobile telephone housing (see Fig. 1 and 3), the release member being operable to separate the cover from the rear case (see Fig. 1-6 and also, col. 4, lines 9-20).

Claim Rejections - 35 USC § 103

3. Claims 9-10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slipy.

Regarding claims 9-10, Slip teaches underside of the base includes a plurality of dimples thereon (the dimples reads on taps 102 and 122).

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Slipy does not exactly teach the lugs (118) passing over the dimples (120 and 122) when the release member is rotated to releaseably mount it to the first housing portion.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have any kind of structuring mechanism implemented in order to lock or unlock/release the first housing from the second housing.

Claim 15 recites "the boss has an aperture there through to receive a wrist strap". This is obvious and does not rise to the level of patentability.

Response to Arguments

4. Applicant's arguments filed 03/11/2005 have been fully considered but they are not persuasive.

Applicant states (page 2 of the remarks) "Slipy describes a latching mechanism 106 rotatably mounted in the housing unit". Also Applicant adds that an "element of applicant's invention, i.e. release member 34, is not locking (latching) device. This element does not serve the function of holding two parts (i.e. casing part 21 and cover part 23, as shown in the mobile phone example) together". Assuming that examiner agrees with applicant argument that the release member 34 is not a locking mechanism and it is designed only to serve the purpose of releasing and breaking the adhesive of

the two components parts (as recited in applicant's remarks on page 2). However, Applicants totally ignored that the latching/locking mechanism 106 is designed as well to serve as a release member that separate the first and second housing (see Fig. 1). Apparently Applicant argued one functionality of the latching mechanism 106 and ignored the other functionality. Basically, latching mechanism 106 is used for both locking and releasing the two housings as shown in Fig. 1.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571)

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272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Rasha S. Al-Aubaidi
Art Unit 2642
06/23/2005



AHMAD MATAR
SUPERVISORY PATENT EXAMINER
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